

1 RENE L. VALLADARES
Federal Public Defender
2 State Bar No. 11479
BREND A WEKSLER
3 Assistant Federal Public Defender
411 E. Bonneville Ave., Suite 250
4 Las Vegas, Nevada 89101
Tel: (702) 388-6577
5 Fax: (702) 388-6261

6 Attorney for:
DUSTIN MCCASKILL
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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 vs.
13 DUSTIN MCCASKILL ,
14 Defendant.

Case No.: 2:15-cr-00030-GMN-CWH

STIPULATION TO EXTEND
MOTION DEADLINES
(Third Request)

15 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United
16 States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United
17 States of America, and Rene L. Valladares, Federal Public Defender, and BREND A WEKSLER,
18 Assistant Federal Public Defender, counsel for DUSTIN MCCASKILL, that that the parties herein
19 shall have to and including April 24, 2015, by the hour of 4:00 p.m., within which to file any and all
20 pretrial motions and notices of defense.

21 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
22 have to and including May 8, 2015, by the hour of 4:00 p.m., within which to file any and all
23 responsive pleadings.

24 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
25 have to and including May 15, 2015, by the hour of 4:00 p.m., within which to file any and all replies
26 to dispositive motions.

27 This Stipulation is entered into for the following reasons:
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1 1. The client is in custody and does not oppose the continuance.

2 2. Since the filing of the previous stipulation, undersigned defense counsel has
3 continued diligently in trial preparations, however additional time is needed to complete the process.

4 3. The additional time requested herein is not sought for purposes of delay, but merely
5 to allow counsel for the defendant sufficient time to complete necessary research, prepare and submit
6 appropriate pretrial motions.

7 4. Denial of this request for continuance would deny counsel for the defendant sufficient
8 time to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking
9 into account the exercise of due diligence.

10 5. Additionally, denial of this request for continuance could result in a miscarriage of
11 justice. The additional time requested by this Stipulation is excludable in computing the time within
12 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
13 Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A), considering the factors
14 under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

15 6. This is the Third stipulation to continue filed herein.

16 DATED: April 17, 2015

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18 RENE L. VALLADARES
Federal Public Defender

DANIEL G. BOGDEN
United States Attorney

19
20 By: / s/ Brenda Weksler
BREND A WEKSLER,
21 Assistant Federal Public Defender

By: /s/ Phillip N. Smith, Jr.
PHILLIP N. SMITH, JR.,
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUSTIN MCCASKILL ,

Defendant.

Case No.: **15-cr-00030-GMN-CWH**

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The client is in custody and does not oppose the continuance.
2. Since the filing of the previous stipulation, undersigned defense counsel has continued diligently in trial preparations, however additional time is needed to complete the process.
3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the defendant sufficient time to complete necessary research, prepare and submit appropriate pretrial motions.
4. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking into account the exercise of due diligence.
5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

6. This is the Third stipulation to continue filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the motion and trial dates.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, §§ 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, § 3161 (h)(7)(A), when considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED, that the parties herein shall have to and including April 24, 2015, by the hour of 4:00 p.m., within which to file any and all pretrial motions and notices of defense.

IT IS FURTHER ORDERED, by and between the parties, that they shall have to and including May 8, 2015, by the hour of 4:00 p.m., within which to file any and all responsive pleadings.

IT IS FURTHER ORDERED, by and between the parties, that they shall have to and including May 15, 2015, by the hour of 4:00 p.m., within which to file any and all replies to dispositive motions.

DATED 22nd day of April, 2015.


UNITED STATES MAGISTRATE JUDGE